

**PROCEEDINGS OF THE BROWN COUNTY
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Planning, Development & Transportation Committee** was held on Monday, June 22, 2009 in Room 114 – AG & Extension Center, 1150 Bellevue Street, Green Bay, WI

Present: Norb Dantine, Bernie Erickson, Mike Fleck, Dan Haefs, Dave Kaster
Also Present: Tom Hinz, Brian Lamers, Chuck Larscheid, Tom Miller
Chuck Lamine, Cole Runge
Supervisors Andrews, Clancy, Evans, Krueger, Scray, VanderLeest
WI DOT Representatives
Other Interested Parties

- I. **Call Meeting to Order:**
Meeting called to order by Chairman Bernie Erickson at 5:30 p.m.
- II. **Approve/Modify Agenda:**

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to approve the agenda. MOTION APPROVED UNANIMOUSLY
- III. **Approve/Modify Minutes of June 22, 2009:**

Motion made by Supervisor Fleck and seconded by Supervisor Kaster to approve. MOTION APPROVED UNANIMOUSLY
1. **Review Minutes of:**
 - a. Harbor Commission (5/11/2009)
 - b. Planning Commission Board of Directors (5/18/2009)
 - c. Planning Commission Board of Directors Chapter 21 Subdivisions Ordinance Revision Sub-Committee (4/30/2009)
 - d. Planning Commission Board of Directors Transportation Sub-Committee (5/18/09)
 - e. Solid Waste Board (4/27/2009)
Motion made by Supervisor Dantine and seconded by Supervisor Kaster to suspend the rules and receive and place on file 1a, b, c, d, & e. MOTION APPROVED UNANIMOUSLY

Communications:

2. **Communication from Supervisor Erickson re: Refer to staff to meet with Bay Lakes to reduce the fee charged to Brown County:**

Chuck Lamine of the Planning Department explained that he has discussed the issue of the \$84,000 annual fee with Mark Walters of Bay Lakes and will report back on any outcome at the next meeting.

Motion made by Supervisor Haefs and seconded by Supervisor Fleck to report back in 30 days with information related to the Bay Lakes fee.
MOTION APPROVED UNANIMOUSLY

3. **Communication from Supervisor VanderLeest re: Request for each Standing Committee to forward a list of priorities to the County Executive for preparation of the 2010 budget:**

Supervisor VanderLeest was not present. County Executive Hinz indicated that he will be meeting with all department heads to establish budget priorities. A request was made for department heads under this standing committee to forward their budget priorities ahead of time to the County Executive and that they be addressed again at the July meeting.

A suggestion was made by Supervisor Haefs that the Advance budget be reviewed at the next meeting of this committee.

Motion made by Supervisor Dantine and seconded by Supervisor Kaster to receive and place on file. MOTION APPROVED UNANIMOUSLY

Highway:

4. **May 2009 Budget to Actual:**

Brian Lamers reported that 63% of the winter maintenance dollars have been used, which is in line with other years.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to receive and place on file. MOTION APPROVED UNANIMOUSLY

5. **Director's Report:**

Brian Lamers distributed a list of Highway employees who have worked over 12 hours in the last reporting period (attached). Most all work related to State projects.

In addition, he supplied information relative to a request for the cost of road sealing, indicating that cold mix would cost \$101,900, with hot mix at \$113,000. The original plan had been to patch until construction is scheduled in 2010 (dollars already included in the present operational budget). Consensus was to retain the present budget plan.

Salt bids have risen from \$23.23 a ton to \$56.58.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to receive and place on file. MOTION APPROVED UNANIMOUSLY

Highway Planning Commission:

6. **Updates on CTH GV (standing item):**

Cole Runge, Chuck Lamine, & Brian Lamers updated the committee on the status of the CTH GV project. Tasks completed between 5/18/09 and 6/15/09 for this project include:

- Land uses planned for the project corridor have been examined.

- The amount of developable land for each parcel along the project corridor has been identified.
- Using the developable land and planned land use, calculations have been made to determine appropriate assessments for property owners along the project corridor.
- Sections of GV that require patching or other spot improvements prior to the reconstruction project have been identified.
- Right-of-way acquisition and utility installation is proceeding.
- The location of a new Fox River Bridge and street/highway corridor through the Environmental Impact Statement (EIS) is in process.
- Application has been made for necessary permits from state and federal environmental agencies.
- Discussion continues related to if the reconstructed highway should be four lanes or if another design is appropriate.
- Progress of the FEMA floodway/floodplain mapping project is being monitored.

Supervisor Kaster addressed the issues he has with reconstruction and staff agreed to continue to consider his concerns.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to receive and place on file. MOTION APPROVED UNANIMOUSLY

Planning & Land Services:

Planning Commission:

Planning Commission

7. Budget Status Financial Report for May 31, 2009.

Property Listing:

8. Budget Status Financial Report for May 31, 2009.

Zoning:

9. Budget Status Financial Report for May 31, 2009.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to suspend the rules and receive and place on file #'s 7, 8, & 9.

MOTION APPROVED UNANIMOUSLY

Port & Solid Waste:

10. Budget Status Financial Report for April 30, 2009 and May 31, 2009:

April 31, 2009 budget as presented in packet material was reviewed. An updated report ending May 31, 2009 was distributed and is attached. Larscheid explained that expenses are under budget. The MRF operation will cease in July. Revenues are under budget, with solid waste fees under because of light spring waste disposal.

Motion made by Supervisor Dantine and seconded by Supervisor Kaster to receive and place on file. MOTION APPROVED UNANIMOUSLY

11. **Request for Budget Transfer (#09-37): Increase in Expenditures with Offsetting Increase in Revenue: To reflect additional grant funding and donations, along with a transfer from the Port to cover the costs of the Historical Signage Project, Fox River Trail:**

Larscheid explained that this budget transfer will increase expenditures and offset revenues to reflect additional grant funding and donations, along with a request from the Port to cover the cost of a historical signage project on the Fox River Trail. Port & Solid Waste will provide \$3,000 from harbor fees, with the remaining to be paid by the Parks Department.

Motion made by Supervisor Fleck and seconded by Supervisor Haefs to approve. MOTION APPROVED UNANIMOUSLY

12. **Grant Application Review (#09-27): Cat Island Chain Restoration Project:**
Larscheid explained that the Port of Green Bay needs a cost effective disposal facility to meet dredging needs at the Green Bay Harbor. It appears the most cost effective disposal alternative is to restore the Cat Island Chain of Islands using clean outer harbor sediments. The US Army Corps of Engineers and Brown County have long studied this project and Brown County has identified an innovative method of financing that limits state and local financial commitments while maximizing return on investment.

Brown County is proposing to independently construct 35% of the Cat Island Chain in order to reduce local and state project costs. They plan to use \$8.32M in state and local funds to leverage \$22M in federal funds. The construction of 35% of the project qualifies for an 80/20 cost share from the HAP grant program.

Larscheid explained that the project is expected to require 40% of the Port Manager time, and 100% of a newly hired limited term project manager for an 18 to 24 hour time period, cost to be reimbursed by grant applied to local cost share. In summary, \$800,000 will come from NRDA funds, \$864,658 from the Harbor Fee Fund, with the remaining from Harbor dredging funds and in-kind contributions.

Motion made by Supervisor Haefs and seconded by Supervisor Dantine to approve. MOTION APPROVED UNANIMOUSLY

13. **Resolution re: Authorizing a Harbor Assistance Program (HAP) Grant Application: See above for details.**

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to approve. MOTION APPROVED UNANIMOUSLY

14. **Renard Island Update:**
Larscheid distributed plans for a proposed causeway on Renard Island. Plans will be shared with the City of Green Bay who has expressed interest in a permanent structure.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck to receive and place on file. MOTION APPROVED UNANIMOUSLY

15. **Director's Report:**

The following activities were highlighted by Mr. Larscheid:

- The State has increased fees from \$4.40 per ton to the already \$5.90 per ton assessed for waste disposal. The Joint Finance Committee has proposed an additional \$2.70 or a total of \$7.10 to be added to the \$5.90. If approved, Larscheid stated the increase will have to be passed on to customers. Contact has been made with state legislators. Representatives Ott and Nygren replied that they would oppose the increase, and Senator Hansen expressed concerns.
- Brown County Recycling Facility will be closing by the end of the month. Waste will be transferred to Outagamie County by Badgerland Transport who was awarded the contract.
- Gas to energy project has been up and running since April with only 70% of the gas coming out. The design is being investigated.
- Single Stream Recycling Facility will be opening on July 13th. An Open House will be held on the 15th for the general public.

Motion made by Supervisor Fleck and seconded by Supervisor Dantine to receive and place on file. MOTION APPROVED UNANIMOUSLY

Airport:

16. **Airport Financials:**

A report through May 31, 2009 was distributed and is attached. Tom Miller explained that at the end of May all expense amounts were in line with the annual budget. Miller indicated that while revenue is under budget, the report does not reflect upcoming FAA grants for the new snow removal equipment building or runway work.

Motion made by Supervisor Fleck and seconded by Supervisor Kaster to receive and place on file. MOTION APPROVED UNANIMOUSLY

17. **Agreement between DMH Inc. & Brown County for space at Austin Straubel Airport:**

Jack Hill addressed the committee, presenting information relative to a lease agreement between Brown County and DMH Inc. Hill requested that the MAG (minimum annual guarantee) be reduced to current conditions, or \$60,000 per year for the remainder of the 3 year contract. Hill stated that since the lease was written, imposed security at the airport has impacted traffic, thus sales in his shop. In addition, he requested that cheese products no longer be allowed for sale in the restaurant because of the effect on his business.

Members of the committee asked for more time to review the paperwork that was distributed, recommending that it also be reviewed by Corporation Counsel and come back to committee in July. Chairman Erickson also asked for updated numbers from 2006 to the present.

Motion made by Supervisor Kaster and seconded by Supervisor Haefs to refer to Corporation Counsel and bring back in July.

MOTION APPROVED UNANIMOUSLY

18. Director's Report:

Tom Miller highlighted the following activities during the last reporting period:

- Paperwork for the stimulus grant (\$2.3M) has been signed and will be used for partial repair and replacement of the north/south runway.
- A meeting was held with United Airlines who have added back a flight to Chicago, which was removed last fall, and in addition will be adding another flight in September, bringing them to seven flights daily to Chicago.
- Midwest Airlines is opening a daily trip to Louisville beginning August 2nd.
- Delta continues to mold Delta and Midwest to a single company. An 8 a.m. trip to Minneapolis will be reduced.
- Have been working with the Chamber to develop additional traffic.

Motion made by Supervisor Fleck and seconded by Supervisor Kaster to receive and place on file. MOTION APPROVED UNANIMOUSLY

Register of Deeds:

- 19. Budget Status Financial Report for April 2009 and May 2009.
No other Agenda items.**

Motion made by Supervisor Fleck and seconded by Supervisor Dantine to receive and place on file. MOTION APPROVED UNANIMOUSLY

Other:

- 20. Discussion re: Roundabouts including a brief presentation by State DOT:**
Chairman Erickson first brought forward comments published in the Green Bay Press Gazette made by Mike Berg of the State DOT which indicated that the project has been approved and any local opposition is unlikely to alter the state's plans. "It's going to happen. We have the funding", Berg is quoted as stating. Berg replied that the quote was taken out of context, that although the project is going to happen and there is funding, he does take public comment seriously and information gathered is being considered.

Mike Berg, Director of the State DOT and Northeast Region introduced Bret Wallace, Program Manager; Bob Sherman, Traffic Engineer; Chad DeGraves, Project Manager; and Mark Lenters, Design Engineer.

Mr. Wallace explained they were here to address specific concerns and issues brought forward at their previous presentations before the Executive Committee and County Board. A brief overview was given, with Mr. Wallace explaining that the Highway 41 corridor project covers 17 miles in Winnebago County, 14 miles in Brown County, including 13 interchanges, 9 to be constructed in Brown County. Construction is projected to begin in Brown County in 2010. There are 44 roundabouts planned over the corridor, 28 in Brown County, 26 being multilane and two being single lane. Those locations being considered include Scheuring Road, Main Street, Oneida Street, Lombardi Avenue, Mason Street, Shawano Avenue, Velp Avenue, and Lineville Road. Mr. Wallace stated that statistics show that roundabouts are safer, operate better, and cost less.

Specific issues brought forward previously involve Packer traffic on Lombardi Avenue, safety issues, large truck operation, business viability, pedestrian crossings, public perception, etc. First addressing the interchange at Lombardi Avenue, Wallace stated the focus was to design for peak hour traffic, making the intersection safe and well operated. Again, he stated, that statistics show that roundabouts will move traffic better and provide better service than traffic signals. Simulations were used, comparing the speed of traffic moving west on Lombardi and south onto Hwy 41.

Randy Schultz of the Brown County Sheriff's Department addressed the issue of Packer game traffic and roundabouts in general, stating that he supports the concept, opining that fewer officers will be needed when moving traffic on game days as there will be two lanes going west rather than one. Although he expects some traffic incidents, they will be less serious with fewer fatalities because of the slower speeds through the roundabouts.

Supervisor Pat Evans disagreed with Schultz, opining that professional officers on site will move traffic through the intersection more efficiently.

Supervisor John VanderLeest reiterated his remarks of a previous meeting, requesting a study be done at a similar sports facility, stating that the examples given were not relevant to the Packer situation, i.e. a Michigan college stadium, a smaller stadium in Denver, and a speedway. He also again expressed concerns for truck traffic, and loss of business, opining that people will avoid roundabouts and business will be affected if there is a roundabout at every exit off of US 41.

(Supervisor Dan Haefs excused 7:43 p.m.)

Motion made by Supervisor Dantine and seconded by Supervisor Kaster to suspend the rules to allow interested parties to speak.

MOTION APPROVED UNANIMOUSLY

Jerry Watson – A former truck driver, Mr. Watson does not support roundabouts.

Ted Pamperin – Retired President of the Village of Ashwaubenon stated that since he has retired, he has traveled extensively throughout the United States and encountered no roundabouts until returning to DePere, where he was stopped by police for changing lanes in the roundabout. It is his opinion also, that the business community will suffer.

Mark Murphy – DePere resident and President of the Green Bay Packers
Mr. Murphy stated that the Packer organization has concerns with a roundabout at the US 41 intersection and Lombardi Avenue, in addition to the Oneida Street intersection. He stated that although the Packers want to cooperate with the state, they feel the current traffic flow during game days is workable and that roundabouts would be an risky experiment.

Ken Seidl – Ashwaubenon Trustee
Seidl stated he would support the roundabout plan in Ashwaubenon, although had some concerns with the Marlee Lane intersection. He stated that a

presentation made by the State DOT to the Ashwaubenon Village Board resulted in overall satisfaction of their explanation.

Mike Aubinger – President, Village of Ashwaubenon

Although he and the Village Board are not against the concept of roundabouts, Aubinger stated they do have concerns as do others with Packer game traffic, business, and truck traffic, along with pedestrian issues. He stated there are challenges that have not yet been answered.

Bob Young – Forty Year Resident of Ashwaubenon

Supports the concept of roundabouts, pointing out they are less costly than lights. He noted there are no issues with them in Howard, that there is easy access and they are safer, if you follow the rules. He urged that the County move forward and support the plan for the future youth.

Nelson Caville – 3116 Summer Place, Green Bay

Asked if those that are against roundabouts have analyzed data related to safety, cost, operation, efficiency of signals, etc. Stated it is the responsibility of officials to do what is safe, cost effective, better for the environment and the community as a whole.

Tom Hinz – Brown County Executive

Mr. Hinz spoke not only as the County Executive, but as an individual in the community, pointing out that when a new jail design was suggested there was opposition. Training and education has shown that the concept has worked. He agreed the concept of roundabouts should move forward for the youth, and because of safety and fewer fatalities. He listened to the Mayor of Indiana who shared his experience that in his community roundabouts have been found to be safer, cheaper, more energy efficient, and are esthetically pleasing.

Tim Holein – Spancrete

Spancrete is a trucking firm who moves large bridge girders around the state, anywhere from 165' to 225' including the truck. Mr. Holein stated that the DOT has made great efforts to address egress issues from their plant onto the planned roundabout and continue to work with them on issues throughout the state. He stated he is very pleased with their efforts.

Motion made by Supervisor Kaster and seconded by Supervisor Fleck to return to regular order of business. MOTION APPROVED UNANIMOUSLY

Chairman Erickson presented a draft resolution for consideration, which reads in summary that the State of Wisconsin is commencing improvement on US Hwy 41, Northeastern Wisconsin; that the Brown County portion of the expansion project shall involve eight interchanges along US 41. Citizens have expressed concerns regarding pedestrian safety in regard to roundabouts including negative impact on commercial properties in the reconstruction zone, with traffic volumes on the affected roadways, that roundabouts will not provide effective traffic flow and with concerns that roundabouts are discriminating toward handicapped individuals.

In light of these facts, Supervisor VanderLeest suggested there be no roundabouts at Lombardi Avenue or in the area used by Spancrete. He again expressed concern for the future business community.

Brian Lamers, Highway Superintendent, urged that the committee and the County Board first consider safety.

Supervisor Fleck spoke in favor of the plan for the future, stating he would not support the resolution, pointing out that the DePere roundabout is overall working well, stating it is hard to judge at this time with Hwy 172 closed, estimating 4,000 to 5,000 more cars than usual. Since in operation, there have been no serious accidents.

Supervisor Kaster opined roundabouts may not fit everywhere, expressing concerns with Packer game day traffic at Lombardi and truck traffic.

Supervisor Dantine will not support the resolution as he supports the concept of roundabouts, stating that the DOT has worked with Spancrete and with the Packers to solve any issues they may have. He pointed out that not all traffic goes west and then south after a game, but many go east and north also. He noted that the design on Lombardi cannot be for only the eight or so games that are held during the year.

Supervisor Mary Scray stated that although the single lane roundabouts have worked well in Howard, she questions the multi-lane design.

Brett Wallace of the DOT expressed disappointment that they were not able to address all the issues which have been brought forward at previous meetings, which he stated, they came prepared to do. Statistics from other areas show that business has increased, and roundabouts have had a positive impact.

Supervisor Carol Andrews expressed concern with foot traffic in the Mason Street area, asking that the pedestrian factor be considered.

Mike Berg of the DOT indicated all issues will be taken into consideration, stating they wish to accommodate all concerns as they are interested in success.

Mr. Wallace added they will continue to work with the Packers to assure them that roundabouts are an acceptable alternative.

Motion made by Supervisor Dantine and seconded by Supervisor Fleck that the committee not support the resolution, but to ask the DOT to continue working with the Packer Organization on the Lombardi intersection, and with local municipalities on cross walks for pedestrians.
MOTION APPROVED UNANIMOUSLY

Land Information Office – No Agenda Items

Other:

21. Audit of Bills:

Motion made by Supervisor Kaster and seconded by Supervisor Fleck to approve payment of bills. MOTION APPROVED UNANIMOUSLY

22. Such Other Matters as Authorized by Law:

July Agenda:

- Communication from Supervisor Erickson re: Refer to staff to meet with Bay Lakes to reduce the fee charged to Brown County:
- Communication from Supervisor VanderLeest re: Request for each Standing Committee to forward a list of priorities to the County Executive for preparation of the 2010 budget:
- Agreement between DMH Inc. & Brown County for space at Austin Straubel Airport:
- Contract with Advance

Motion made by Supervisor Dantine and seconded by Supervisor Kaster to adjourn at 9:45 p.m. MOTION APPROVED UNANIMOUSLY

Respectfully submitted,

Rae G. Knippel
Recording Secretary

Highway employees working over 12 hours

Pay Period 5-17-09 to 5-30-09

<u>Date</u>	<u>Name</u>	<u>Hours</u>	<u>Reason</u>
5/20/2009	Paul Ignatowski	12.5	Flagging for Paving Roller - to finish project
	Gerald DeGroot	12.5	Flagging for Paving Roller - to finish project
	Tracy Peot	12.5	Ran finish roller to roll asphalt on a project

Pay Period 5-31-09 to 6-13-09

<u>Date</u>	<u>Name</u>	<u>Hours</u>	<u>Reason</u>
6/4/2009	Paul Ignatowski	16	Bridge deck on Hwy 41 -Ran Crafcro (State project - state funds)
	John Sticka	16.5	Bridge deck on Hwy 41 -Labor (State project - state funds)
	Lanz Michlig	16	Bridge deck on Hwy 41 - Bridge Crew (State project - state funds)
	Tim Oettinger	13	Bridge deck on Hwy 41 - Signing (State project -state funds)
	Jim Burkel	13	Bridge deck on Hwy 41 - Signing (State project -state funds)
	Jon Giese	16	Bridge deck on Hwy 41 - Bridge Crew (State project - state funds)
	Dan White	16	Bridge deck on Hwy 41 - Ran Paver (State project -state funds)
	Dan Bastian	16	Bridge deck on Hwy 41 - Bridge Crew (State project - state funds)
	Jim Margitan	16	Bridge deck on Hwy 41 - Bridge Crew (State project - state funds)
	Al Heimos	13	Bridge deck on Hwy 41 - Ran Sweeper (State project -state funds)
	Todd Tilkens	16	Bridge deck on Hwy 41 - Ran Roller (State project - state funds)

*Note: The Highway Dept employees are on 10 hour days from the 2nd Monday in April thru the last Friday in Sept.

Brown County
Port & Solid Waste
Budget Status Report
5/31/2009

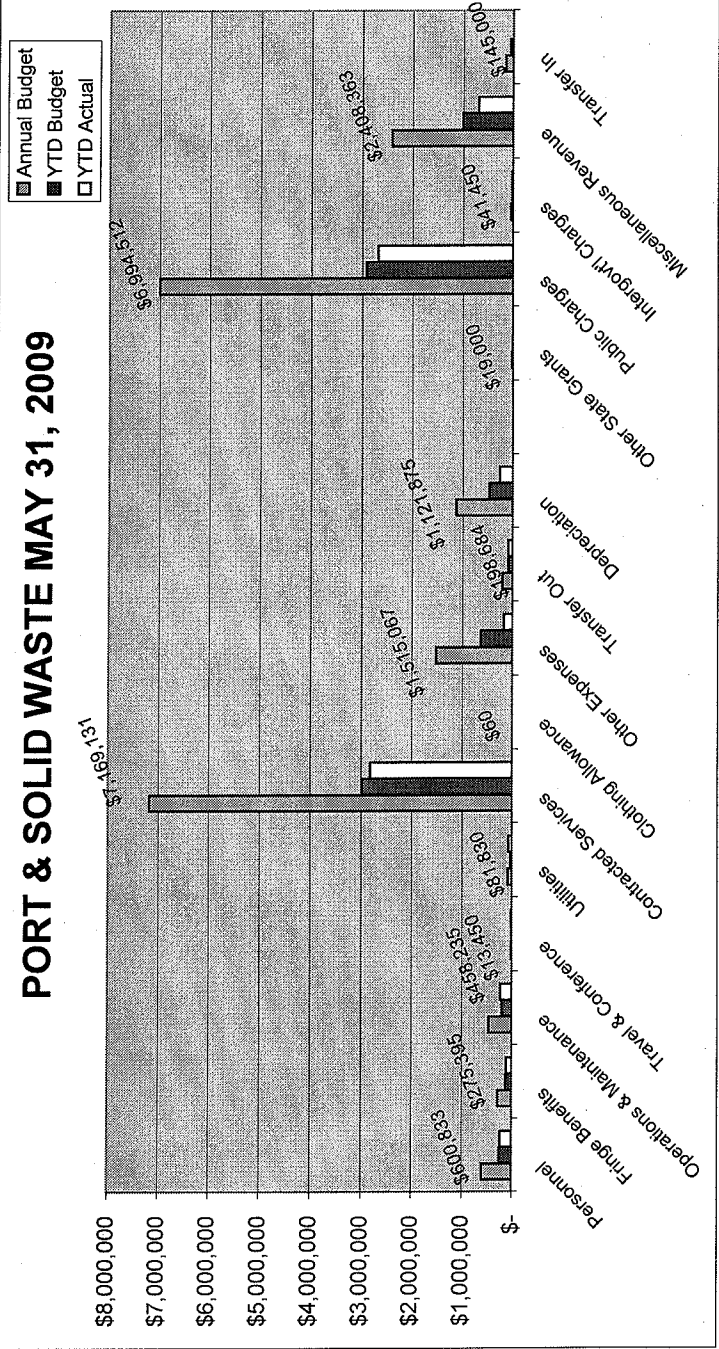
	Annual Budget	YTD Budget	YTD Actual
Personnel	\$ 600,833	\$ 247,265	\$ 231,542
Fringe Benefits	\$ 275,395	\$ 114,748	\$ 108,167
Operations & Maintenance	\$ 458,235	\$ 190,930	\$ 223,174
Travel & Conference	\$ 13,450	\$ 5,604	\$ 9,988
Utilities	\$ 81,830	\$ 34,096	\$ 67,660
Contracted Services	\$ 7,169,131	\$ 2,987,137	\$ 2,817,223
Clothing Allowance	\$ 60	\$ 25	\$ -
Other Expenses	\$ 1,515,067	\$ 631,278	\$ 169,900
Transfer Out	\$ 198,684	\$ 82,785	\$ 82,785
Depreciation	\$ 1,121,875	\$ 467,448	\$ 255,365
Other State Grants	\$ 19,000	\$ 7,917	\$ -
Public Charges	\$ 6,994,512	\$ 2,914,380	\$ 2,681,951
Intergov't Charges	\$ 41,450	\$ 17,271	\$ 17,009
Miscellaneous Revenue	\$ 2,408,363	\$ 1,003,485	\$ 694,614
Transfer In	\$ 145,000	\$ 60,417	\$ -

HIGHLIGHTS:

Expenses: Total Expenses are \$795,512 under budget. MRF operation will cease in July. Landfill maintenance activities will start in summer.

Revenues: Revenues are \$609,896 under budget. Solid Waste Fees are \$117,118 under because light spring waste disposal. Interest is \$239,451 under. Sale of Recyclables is down \$231,711.

PORT & SOLID WASTE MAY 31, 2009



July 15, 2009

**TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS**

Ladies and Gentlemen:

**RESOLUTION AUTHORIZING A HARBOR ASSISTANCE PROGRAM (HAP) GRANT
APPLICATION**

WHEREAS, on March 18, 2009 the Brown County Board approved a three-year Harbor Development Statement of Intentions which, in part, described the Cat Island Restoration Project. The project consists of constructing a 2.5 mile spine in the lower bay for placement of 2,350,000 cubic yards of clean outer harbor sediments (dredging material) to create three (3) barrier islands over the next 20 years that will protect and enhance 1,400 acres of the Duck Creek area; and

WHEREAS, the Port of Green Bay and its associated \$75M economic impact and more than 600 jobs are dependent upon having the navigational channel dredged and a location for placement of dredged material; and

WHEREAS, the U.S. Army Corps of Engineers (USACE) has determined in the 2009 Dredged Material Management Plan the Cat Island Chain Restoration project is feasible, environmentally acceptable and the most cost effective disposal option for clean outer harbor sediments. The inner harbor sediments will continue to be deposited at the Bay Port Confined Disposal Facility (CDF). The construction cost of the Cat Island Chain Restoration Project will be shared (65% Federal and 35% non-Federal \$22,224,078/\$11,966,811 respectively) and

WHEREAS, Brown County serves as the local non-Federal sponsor for the Green Bay Harbor; and

WHEREAS, the USACE requires Brown County to enter a Project Cooperative Agreement (PCA) before construction begins. This PCA requires the local sponsor to contribute 25% of the total construction cost before construction begins. The local sponsor's remaining contribution of 10% of the total cost is payable over a 30 year period and will be reduced by credit for the value of land contributed by the county to the project; and

(B)

WHEREAS, this HAP grant application is for funds to be contributed to the total cost for the Cat Island Chain Restoration Project. Brown County plans to use \$7.141M in state and \$1.785M in local funds to leverage \$22.224M in federal funds; and

WHEREAS, the Harbor Assistance Program will fund 80% of a non-federal project or 50% of a federal project involving the U.S. Army Corps of Engineers (USACE); and

WHEREAS, Brown County is willing to partner with the State to pay 25% of the construction costs for the project and agrees to administer and oversee the improvements funded by the HAP grant upon completion of the project; and

WHEREAS, in order to obtain funding for the above-described projects, a grant application must be filed by August 1, 2009 with the Bureau of Railroads and Harbors of the Wisconsin Department of Transportation, through the Harbor Assistance Program, and it is intended that the grant application will be in the amount of \$7,141,835 with the local matching share of 20% in the amount of \$1,785,459 to be paid by Brown County; and

WHEREAS, the paper mill companies responsible for the Fox River clean-up have made \$800,000 available for the Cat Island Chain Project through Natural Resources Damage Assessment funds. These funds are held in trust by the U.S. Fish and Wildlife Service and can be used as part of Brown County's contribution; and

WHEREAS, Brown County plans to utilize Harbor Fees and Harbor Dredging funds to pay for the balance of its contribution. The Harbor Fee funds have been collected for harbor related expenditures, and consultation with the Port of Green Bay's terminal operators will be required. The Harbor Dredging funds have been collected for harbor disposal-related purposes; and

WHEREAS, the remaining 10% (\$3,419,089) contribution (reduced by credit for county land donated to project) is payable over a 30 year period and this amount will be paid to the USACE from annually collected Harbor Fees or other port reserve funds; and

WHEREAS, the State of Wisconsin granted the necessary lake bed of the Bay of Green Bay in 2005 for the construction of this project, and;

WHEREAS, a copy of the Harbor Assistance Grant Application is attached to the original of this resolution, which is on file in the Brown County Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby makes this request for assistance and authorizes the Harbor Assistance Grant application described herein.

BE IF FURTHER RESOLVED, Brown County, through its Harbor Commission, requests a grant of \$7,141,835 from the Wisconsin Harbor Assistance Program for the project identified as the restoration of the Cat Island Chain project.

BE IT FURTHER RESOLVED, the County Executive and Port Manager are the representatives of Brown County authorized to sign agreements, forms, claims and other required documents binding upon Brown County in connection with the application for Wisconsin Harbor Assistance Program funds.

BE IT FURTHER RESOLVED, Brown County, through its Harbor Commission, accepts all responsibilities for the construction, operation, maintenance and long-term care of the project upon completion of work funded under a Harbor Assistance Program grant. The USACE will assume operation and maintenance responsibilities until each island is constructed.

BE IT FURTHER RESOLVED, Brown County, through its Harbor Commission, assures the project is consistent with the 2005 Strategic Plan for the Port of Green Bay and the USACE 2009 Dredge Material Management Plan.

BE IT FURTHER RESOLVED, Brown County, through its Harbor Commission, assures this proposed project is consistent with the three-year Harbor Development Statement of Intentions submitted to WDOT under the requirements of s.85.095 (3), Wis. Stats.

BE IT FURTHER RESOLVED, Brown County, through its Harbor Commission, agrees to provide to the Wisconsin Department of Transportation, in a timely manner, additional analysis or documentation in support of the application, if necessary for the review process; and

BE IT FURTHER RESOLVED, Brown County, through its Harbor Commission, warrants it will provide matching funds as may be required up to a maximum amount of \$1,664,663 upon the signing of a grant agreement and at a time and manner specified by WDOT.

Respectfully submitted,

HARBOR COMMISSION

**PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE**

Approved by:

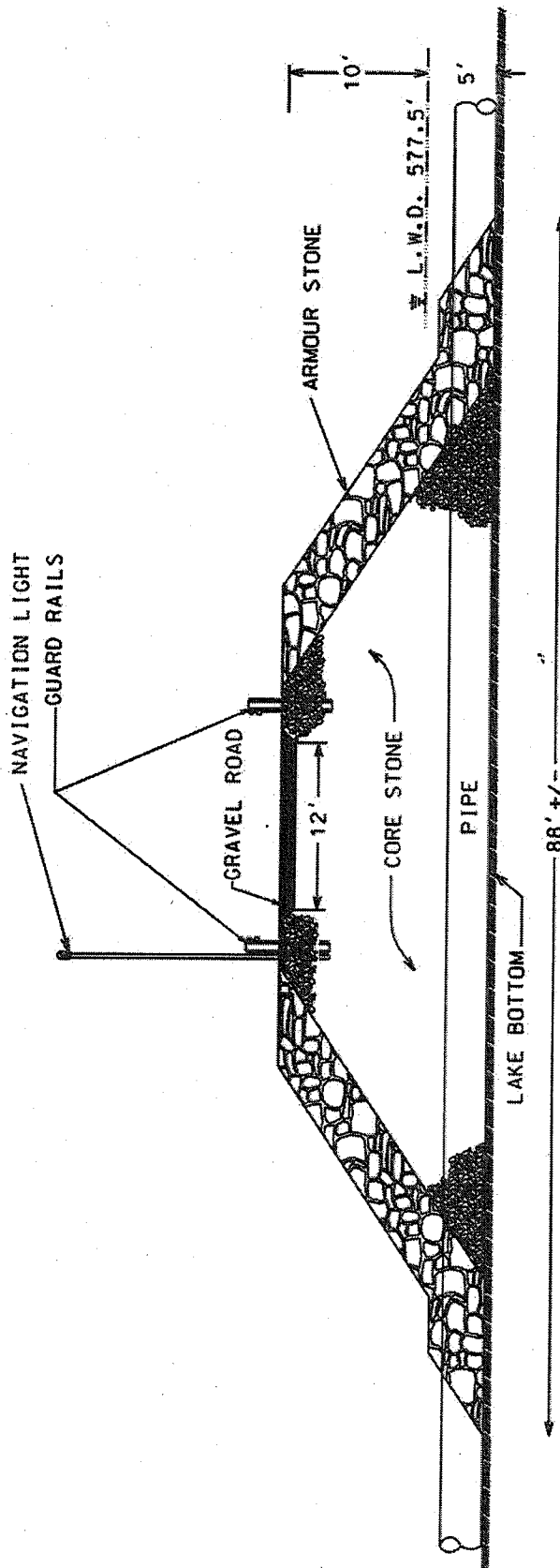
COUNTY EXECUTIVE

Date Signed: _____

Final Draft Approved by Corporation Counsel



FIGURE 9



U.S. ARMY ENGINEER DISTRICT, DETROIT CORPS OF ENGINEERS DETROIT, MICHIGAN	
GREEN BAY HARBOR, WI.	
RENARD ISLAND PROPOSED CAUSEWAY	
DRAWN BY: KJW	CHECKED BY: XXX
DATE: 27 FEB 09	PLATE #/10

FIGURE 10

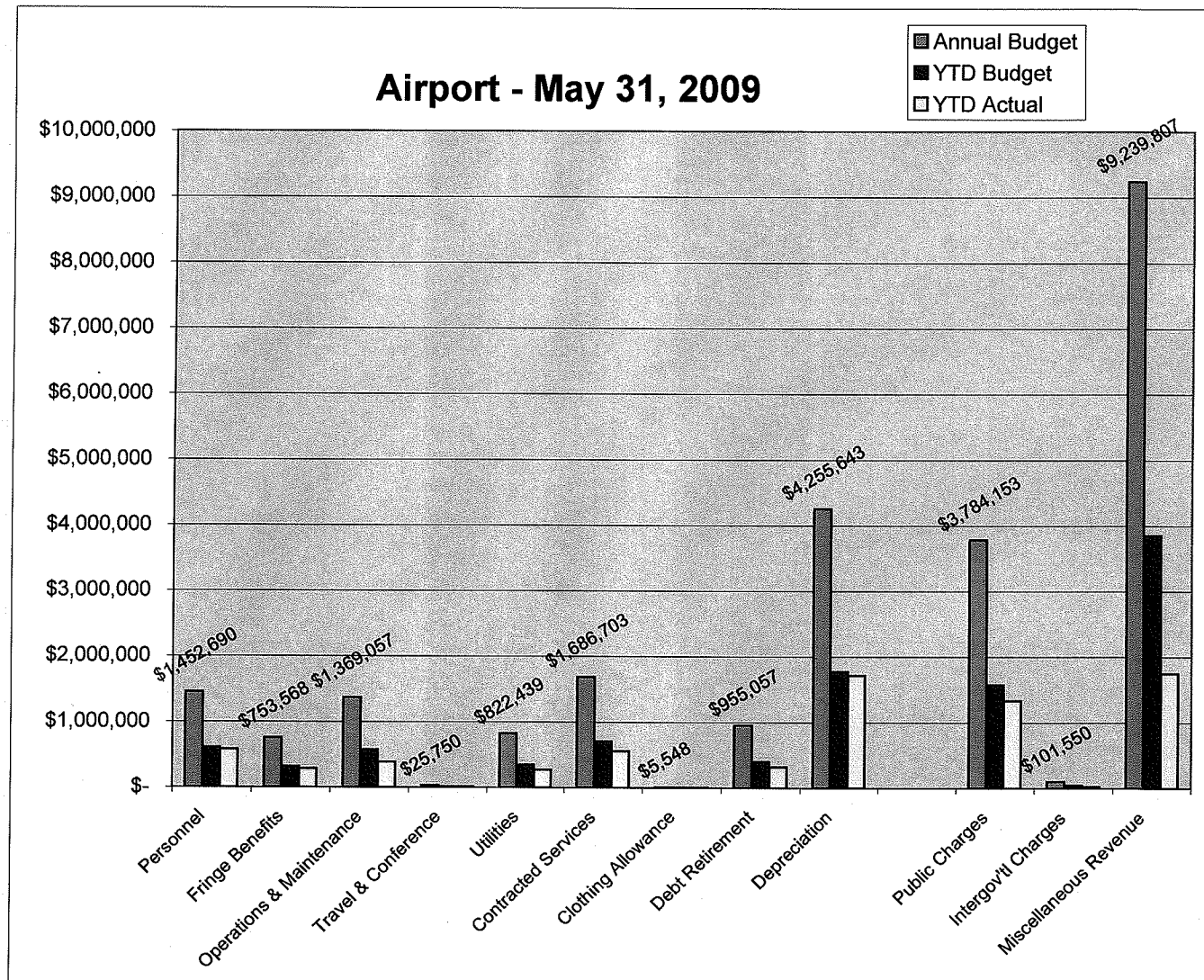
**Brown County
Airport
Budget Status Report
May-09**

	Annual Budget	YTD Budget	YTD Actual
Personnel	\$1,452,690	\$605,288	\$578,240
Fringe Benefits	\$753,568	\$313,987	\$282,270
Operations & Maintenance	\$1,369,057	\$570,440	\$382,024
Travel & Conference	\$25,750	\$10,729	\$8,270
Utilities	\$822,439	\$342,683	\$270,497
Contracted Services	\$1,686,703	\$702,793	\$552,331
Clothing Allowance	\$5,548	\$2,312	\$2,955
Debt Retirement	\$955,057	\$397,940	\$316,355
Depreciation	\$4,255,643	\$1,773,185	\$1,716,793
Public Charges	\$3,784,153	\$1,576,730	\$1,332,770
Intergov'tl Charges	\$101,550	\$42,313	\$22,567
Miscellaneous Revenue	\$9,239,807	\$3,849,920	\$1,748,615

HIGHLIGHTS

At the end of May all expense accounts are in line with the annual budget.

While revenue is under budget, the statement does not reflect the upcoming FAA grants for the new Snow Removal Equipment Building, or runway work.



IN REFERENCE TO LEASE AGREEMENT BETWEEN BROWN COUNTY & DMH PLEASE REFER TO PAGE 5 OF THIS AGREEMENT

Tuesday, June 09, 2009
12:09 PM

PARAGRAPH ONE DEALS WITH MINIMUM ANNUAL GUARANTEE. WHICH WILL BE REFERRED TO AS MAG. WE ARE PRESENTLY IN YEAR THREE OF THIS AGREEMENT; AND THE SPACE LEASED FOR REFERENCE AT THE AIRPORT TOTALS 1869 SQ. FT. THE MAG AMOUNT FOR YEAR THREE IS \$110000.00 PER YEAR OR \$58.85 PER SQ. FT. WHEN THIS LEASE WAS INACTED ; THIS WAS NOT A FACTOR BECAUSE THE PERCENTAGE PAID FAR EXCEEDS THE MAG AMOUNT BY \$10.00 SQ. FT DUE TO PRESENT CONDITIONS THIS EXCEEDS THE AMOUNT BY MORE THAN 4 TIMES ANY RETAIL SPACE IN THE AREA.

MOVING ON TO PARAGRAPH THREE OF PAGE FIVE IF TRAFFIC COUNTS DROP BELOW 75% OF SUCH ENPLANING PASSENGERS THE MAG WILL BE ABATED AND THE CONCESSIONAIRE WILL CONTINUE TO PAY 15% OF GROSS. DURING APRIL 2009 THE TRAFFIC COUNT DROPPED 21.7% BUT STILL REMAINS AT 26% FOR THE YEAR. THEREFORE THE 15% OF SALES SHOULD BE THE NORM.

WHAT WE ARE ASKING IS THE MAG TO BE REDUCED TO CURRENT CONDITIONS TO A REASONABLE AMOUNT OF \$60000.00 PER YEAR FOR THE REMAINDER OF THE CONTRACT. WITH THE PERCENTAGE TO REMAIN INTACT BROWN COUNTY WOULD STILL BE ASSURED A LARGE RETURN.

SINCE THE LEASE WAS WRITTEN TSA HAS ENACTED MORE SECURITY TO TRAVELERS. THEY ARE NO LONGER ALLOWED TO CARRY ON LIQUIDS SUCH AS WINE OR SNOW GLOBES. ALSO CHEESE SPREADS, JAM AND JELLIES ARE NOT ALLOWED WHICH WERE ALL PART OF OUR BUSINESS. OUR LAST REQUEST IS TO NO LONGER ALLOW THE RESTAURANT TO SELL PACKAGE CHEESE PRODUCTS.

(M)

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	<u>Minimum Annual Guarantee</u>	<u>Percentage of Gross Receipts</u>
First Year:	<u>\$105,000</u>	<u>15%</u>
Second Year:	<u>\$105,000</u>	<u>15.5%</u>
Third Year:	<u>\$110,000</u>	<u>16%</u>
Fourth Year:	<u>\$110,000</u>	<u>16%</u>
Fifth Year:	<u>\$110,000</u>	<u>16.5%</u>
Sixth Year:	<u>\$115,000</u>	<u>16.5%</u>
Seventh Year:	<u>\$115,000</u>	<u>16.5%</u>
Eighth Year:	<u>\$115,000</u>	<u>16.75%</u>
Ninth Year:	<u>\$115,000</u>	<u>16.75%</u>
Tenth Year:	<u>\$125,000</u>	<u>16.75%</u>

On or before the 30th day of the month following the end of each Contract Year, Lessor shall compare the total Percentage of Gross Receipts or MAG, as the case may be, payments paid monthly by Lessee during such Contract Year, to the MAG or the total Percentage of Gross Receipts amount due, as the case may be, for such Contract Year. Lessee shall pay to Lessor the balance of the rent, if any, due Lessor for the preceding Contract Year. Lessee shall pay to Lessor the balance of the rent, if any, due Lessor for the preceding Contract Year, it being understood that the rental, though payable monthly, shall be computed on an annual basis. If it is established that Lessee has overpaid Lessor, then such overpayment shall be repaid to Lessee. The parties agree to provide and exchange whatever accounting records are required for these calculations. Any disputes as to the year end reconciliation, payments due or the calculations thereof shall be submitted to binding arbitration.

The concession locations shall be provided with air conditioning, heat and basic overhead lighting, by the Airport. All other utility consumption will be separately metered and invoiced to Lessee on a monthly basis.

If, for any reason, the number of passengers enplaning on scheduled airline flights at Austin Straubel International Airport during any period of thirty (30) or more consecutive days, shall be lower than 75% of the number of such enplaning passengers for the same period of the immediately preceding contract year or of the year immediately preceding the first contract year, the minimum guarantee herein provided shall be abated for the period of time the condition continues to exist. During the period of abatement, Concessionaire will continue to pay the 15% gross receipts and the Airport will return to Concessionaire a just proportion of any minimum annual guarantee payment which may have been prepaid.

ARTICLE V METHOD OF PAYMENT

Payment of the preceding month's percentage shall be paid by Lessee to Lessor on or before the tenth (10th) day of each month. Lessee agrees to submit with each month's payment a signed affidavit of its Gross Receipts on the attached form, Exhibit B. Lessee shall keep full and accurate books and records showing all of its Gross Receipts and Lessor shall have the right, through its representatives and at reasonable times, to inspect, examine, copy and audit such books and records, including but not limited to State of Wisconsin sales tax return records. Lessee agrees that all such books and records will be made available to Lessor for at least three (3) years following the period covered by such books and records. If, as a result of such audit, it is established that Lessee has understated the Gross Receipts received from all operations at the Leased Premises by three (3%) percent or more (after the deductions and exclusions herein), the entire expense of said audit shall be borne by Lessee. Any additional monies due from misstated Gross Receipts shall be paid by the Lessee to the Lessor with interest thereon at one and one-half percent (1.5%) per month from the date such additional payment from Gross Receipts became due. The disputed portion of an

Austin Straubel International Airport

Green Bay

May 22, 2009

Mr. Jack Hill
DMH, Inc.
2077 Airport Drive
Green Bay, WI 54313

RE: Airport News & Gift Concession Agreement

Dear Mr. Jack Hill:

On February 16, 2007 D.M.H., Inc. and Austin Straubel International Airport (ASIA) entered into an Airport Addendum to Airport News and Gift Concession Agreement. The Agreement states in pertinent part:

ARTICLE IV - FEES & RENTALS

During the term of this agreement, Lessee agrees to pay Lessor on a monthly basis a concession fee equal to one twelfth (1/12) of the **greater** of the below stated Minimum Annual Guarantee (MAG) or the Percentage of Gross, whichever is greater:

The Minimum Annual Guarantees and Percentages of the Gross Receipts are amended to read as follows:

	<u>Minimum Annual Guarantee</u>	<u>Percentage of Gross Receipts</u>


Third Year:	\$114,400	16%

If, for any reason, the number of passengers enplaning on scheduled airline flights at Austin Straubel International Airport during any period of thirty (30) or more consecutive days, shall be lower than 75% of the number of such enplaning passengers for the same period of the immediately preceding contract year or the year immediately preceding the first contract year, the minimum guarantee, herein provided shall be abated for the period of time the condition continues to exist. During the period of abatement, Concessionaire will continue to pay the 15% of gross receipts and the Airport will return to Concessionaire a just portion of any minimum annual guarantee payment which may have been prepaid.

Airport enplanements decreased in April, 2009 by 21.7%, the enplaned passenger traffic report is enclosed for your convenience, which is less than 75% of the number of such enplaning passengers for the same period of the immediately preceding contract year. Therefore, the MAG is not abated for the month of April, 2009 and the monthly concession fee due is 1/12 of the MAG, \$9,533.33 of which you have already paid \$5,405.56. Please remit \$4,127.77 at your earliest convenience.

If you have any questions or concerns, please contact me.

Sincerely,


Vicki L Reynen
Airport Administration

Cc: T. Miller, Airport Director
Enc

Austin Straubel International Airport



Green Bay

February 20, 2009

Mr. Jack Hill
DMH, Inc.
2077 Airport Drive
Green Bay, WI 54313

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The Minimum Annual Guarantees and Percentages of the Gross Receipts are amended to read as follows:

	<u>Minimum Annual Guarantee</u>	<u>Percentage of Gross Receipts</u>
Third Year:	\$114,400	16%

It may have been an oversight, but the airport received payment of \$4,993.98 along with the January 2009 Monthly Affidavit form that includes gross revenue of \$32,219.20 and 15.5% of gross receipts shown as \$4,993.98. Per the amended agreement the percentage of gross receipts for the Third Year(2009) is 16%. Sixteen percent of January's gross receipts are \$5,155.07. Since airport enplanements decreased by 31.6% in January, we do not require 1/12th of the \$114,400 MAG, however, please submit \$161.09 - the additional amount due for January.

If you have any questions or concerns, please contact me.

Sincerely,


Vicki L Reynen
Airport Administration

Cc: T. Miller, Airport Director